IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 6297 of 1998

Between:

B.Krishna Kumari, W/o Kannaraonaidu, Hindu,
Husband's Protection, R/o Undavalli (V), Guntur District.

..... PETITIONER

AND

1 Revenue Divisional Officer,
Guntur.
2 Special Tasildar & Land Acquisition Officer (B.G.Lines) Railways,
Guntur.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents as illegal and ultravires to the provisions of Act.14 and 300-A of the constitution of India and also the provisions of L.A.Act directing the respondents to refer the matter to the civil court for deciding the correct compensation amount payable to the petitioner and also for adjudication the correct market value U/s 18 of L.A.Act for the land acquired under award No.2/92 and pass

Counsel for the Petitioner:MR.V.S.R.ANJANEYALU

Counsel for Respondents : GP FOR LAND ACQUISITION

The Court made the following :

ORDER:

In the present writ petition, the petitioner seeks a direction to the respondents to refer the matter to competent Civil Court under section 18 of the Land Acquisition Act, for enhancement of the compensation.

The facts in brief, which lead to filing the present writ petition are that out of the total extent of Ac.2.12 cents in R.S.No.19/C-2, Undavalli village, Guntur district, the petitioner claims to possess an extent of Ac.0.20 cents and legal heirs of one late Gade Balaramamurthy possess an extent of Ac.1.92 cents. That an extent of Ac.1.72 cents out of an extent of Ac.1.92 cents belonging to legal heirs of Balaramamurthy and an extent of Ac.0.20 cents belonging to petitioner was acquired by the second respondent under Award No. 2 of 1992 dated 20-6-1992. The petitioner alleges that the Acquisition Authorities have wrongly shown the extent of land acquired from them as an extent of Ac.1.62 ½ cents instead of Ac.1.62 belonging to legal heirs of Balaramamurthy and an extent of Ac.0.28 ½ cents instead of Ac.0.20 belonging to petitioner and determined compensation. On noticing the mistake, the petitioner stated to have made an application requesting the authorities to pay the respective compensation as per their correct extents of land and to refer the matter to the competent Civil Court under section 18 of the Land Acquisition Act for enhancement of the compensation, which was received by the respondents on 1-7-1992 under acknowledgment No.5236. The petitioner filed the acknowledgement dated 1-7-1992 before this Court. Since, no action was taken on the said application and the oral requests made by the petitioner, he again addressed a letter dated 19-12-1993

which was received by the respondents on
20-12-1993. However, no action was stated to have been taken and again the petitioner and one B.Krishnarao addressed a letter dated
21-8-1995, upon which the first respondent stated to have made an endorsement to refer the matter to the Civil Court for determining the compensation. Again the petitioner addressed letter dated 11-7-1997 to refer the matter to the Civil Court for enhancement of the compensation and since there was no action taken from the respondent, the present writ petition is filed.

Learned counsel for petitioner submits that in spite of several requests and letters no action was taken by the respondents to rectify the mistake with regard to extent of land acquired from the petitioner and to refer the matter under section 18 of the Act for enhancement of compensation to the competent Civil Court, and for no fault, the petitioner was made to run over from pillar to post.

Heard the learned counsel for petitioner and learned Government Pleader for Land Acquisition.

The petitioner is stated to have addressed as many as four letters/representations i.e., on 7-1-1992, 19-12-1993, 21-8-1995 and
11-7-1997 requesting the authorities to refer the matter to competent Civil Court for enhancement of compensation, which were stated to have been received but no action was taken thereon. Though the matter was admitted on 15-4-1999 and respondents were directed to file counter in the matter, till date no counter affidavit was filed denying the averments made by the petitioner. Thus, this Court has no other way, except to accept the said averments as true. The petitioner whose land was acquired, has made series of representations from 1992, till filing the present writ petition, requesting the authorities to rectify the mistake occurred with regard to extent of land acquired and to refer the matter to competent Civil Court for enhancement of compensation. Having acquired the valuable land of the petitioner, it is expected by the respondent authorities to react on the application/representations made by the petitioner and to take necessary action in the matter in accordance with law, in stead of keeping the said representations unanswred.

For the foregoing reasons, the writ petition is allowed and the respondents are directed to refer the matter under section 18 of the Land Acquisition Act, to

competent Civil Court. No costs.

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N.V.RAMANA,J

3-3-2005

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.. Revenue Divisional Officer,
Guntur.
2.. Special Tasildar & Land Acquisition Officer (B.G.Lines) Railways,
Guntur.

3) 2 CD copies

4) 1 CC to MR.ANJANEYALU

*Form-NIC-OGS/WP{**SAM**}*